

RESPONSE

I. Response to Non-Compliant Amendment

The Applicants wish to thank Examiner Cintins for his efforts to point out the problems with their prior Amendment and Response. To this end, Claims 13, 15, and 20 have been revised to include the lower case identification letters that were inadvertently omitted from the prior submission. The revised amended claims have additional identification numbers added by amendment to reflect the addition of the previously omitted reference characters. Because these references numbers were inadvertently omitted, the status of Claim 20 should read (as corrected)—“Original”.

Claim 13 has been further amended to include the requisite underlying of lines 13-14, as required by 37 CFR §1.121. Claim 13 has been further amended, per the Examiner’s request, to address the informality of the lack of antecedent basis for the term “said temperature.”

Applicants have included a revised Terminal Disclaimer, dated as of October 13, 2005, that reflects the correct serial number of the application. Further, the serial number of this submission has been corrected. Applicants thank the examiner for pointing out this typographical error.

For the sake of completeness, the Applicants repeat below the arguments submitted in their prior, non-compliant response. Consideration is requested.

In light to the preceding amendments to the claims of the subject application, the Applicants respond to the issues raised by the examiner in the Office Action as follows.

I. Obvious-Type Double Patenting

Claims 14 and 19-23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of commonly owned U.S. Patent

No. 6,284,132. A terminal disclaimer, executed by the undersigned attorney of record, is enclosed with this response. It is therefore requested that Claims 20-23 be allowed and those portions of cancelled Claims 14 and 19 that have been incorporated within Claims 13 and 15, respectively.

II. Rejections Under 35 U.S.C. § 102(b)

Claims 13 and 15-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gauer *et al.* (U.S. Patent No. 4,722,797). Applicants have amended independent Claims 13 and 15 to incorporate the features of previously depending Claims 14 and 19, respectively. But for the obvious-type double patenting rejection, addressed above, it appears that the Examiner has found the subject matter of previous Claims 14 and 19 to be allowable.

Similarly, Applicants have amended independent Claim 16 to include the limitations of previously offered Claim 14. Applicants believe that such limitations, as modified in Claim 16, are not disclosed or otherwise taught by Gauer *et al.* Because the Applicants believe that Claim 16 is now allowable over the art, dependent Claims 17 and 18, that depend on Claim 16, are thus now allowable.


Conclusion

Applicants have responded to the issues concerning the non-compliant amendment and to the objections and rejections contained in the original subject Office Action and believe that the application is now in a condition for allowance. The Examiner is invited to contact the undersigned to clarify any additional technical issues or informalities that would otherwise hold up issuance of a patent on this application.

It is not believed that any fees are due in connection with this amendment, but any required payments may be deducted, and any credits refunded, to Deposit Account No. 18-2284.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY LLP

A handwritten signature in black ink, appearing to read 'T. Ryan', written over a horizontal line.

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